

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Petition of Mid-Rivers Telephone Cooperative, Inc. for Order Declaring it to be an Incumbent Local Exchange Carrier in Terry, Montana Pursuant to Section 251(h)(2), Notice of Proposed Rulemaking (WC Docket No. 02-78)*

In the Telecommunications Act, Congress set out a path for designating a new carrier as the incumbent local exchange carrier in a particular market. Today's Notice of Proposed Rulemaking takes an appropriate step down this road. It asks about standardizing the process for determining when a carrier has "substantially replaced" an incumbent. It also poses vital questions about the impact of reclassification on universal service. I support this approach because Congress was clear in Section 251(h)(2) that any effort to reclassify carriers as incumbents must take place "by rule[.]" But I also believe we have a special duty to resolve this issue expeditiously. The petition that is at the heart of this proceeding has been pending for more than two years. With time, the issues it poses will only grow more prominent. Carriers like Mid-Rivers that are providing service in a shifting marketplace deserve clarity about their regulatory status. I look forward to working with my colleagues to provide this certainty as soon as possible.